

Message Text

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ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 MMS-04 CIAE-00 PM-07 INR-11 L-03

ACDA-19 NSAE-00 PA-04 RSC-01 PRS-01 SP-03 USIA-15

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TO SECSTATE WASHDC PRIORITY 8365

INFO USMISSION NATO

USMISSION BERLIN

AMEMBASSY MOSCOW

C O N F I D E N T I A L GENEVA 5957

E.O. 11652: GDS

TAGS: PFOR

SUBJ: CSCE PRINCIPLES: SOVIET APPROACH ON

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

1. SUMMARY. SOVIETS HAVE INFORMED AMBASSADOR SHERER THAT MOSCOW IS INSISTING THAT HUMAN RIGHTS TEXT NOW BEING DRAFTED INCLUDE SPECIFIC REFERENCE TO THE TWO UN COVENANTS ON HUMAN RIGHTS. SOVIET REP SAID HE UNDERSTOOD US DIFFICULTIES WITH THE COVENANTS, BUT ASKED THAT US REP REMAIN SILENT DURING SUBCOMMITTEE DISCUSSION ON THIS MATTER. NATO CAUCUS HAS AGREED THAT REFERENCE TO COVENANTS, IF SOMEHOW DIFFERENTIATED IN STATUS FROM UN CHARTER AND UNIVERSAL DECLARATION OF HUMAN RIGHTS WOULD BE ACCEPTABLE AS FALLBACK. UNLESS OTHERWISE INSTRUCTED, WE PLAN TO CONTINUE TO GIVE LOW KEY SUPPORT TO NATO POSITION, WHILE AVOIDING CONFRONTATION WITH SOVIETS, AND TO MOVE WITH OUR ALLIES TO EVENTUAL ACCEPTANCE OF REFERENCE TO COVENANTS. END SUMMARY.

2. SOVIETS HAVE TABLED FOLLOWING PROPOSAL FOR FINAL
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SENTENCE OF HUMAN RIGHTS PRINCIPLE:

BEGIN TEXT

THE PARTICIPATING STATES WILL ACT IN THE FIELD OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AS IT IS DEFINED IN THE CHARTER OF THE UNITED NATIONS, IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, IN THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS, AND IN OTHER INTERNATIONAL AGREEMENTS AND INSTRUMENTS, IF THEY ARE BOUND BY THEM OR WHICH THEY HAVE ACCEPTED AS SETTING OUT A COMMON STANDARD. END TEXT

SOVIETS HAVE GIVEN VARIOUS SIGNS THAT TEXT IS NEGOTIABLE, BUT HAVE INSISTED THAT OUTCOME MUST INCLUDE SOME EXPLICIT REFERENCE TO THE TWO UN HUMAN RIGHTS COVENANTS. THEY HAVE INSISTED THAT ANY BRACKETS AROUND THAT REFERENCE WOULD REQUIRE THEM TO BRACKET PROVISIONALLY AGREED SENTENCE ON FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF, AS WELL AS HOLY SEE PROPOSAL FOR SENTENCE ON EXERCISE OF RELIGIOUS FREEDOM.

3. IN VIEW OF US OBJECTIONS TO MENTION OF THE UN COVENANTS AS THE STANDARD OF HUMAN RIGHTS CONDUCT IN THE CSCE DECLARATION OF PRINCIPLES, OBJECTIONS EXPRESSED BOTH DURING GENERAL DEBATE IN FEBRUARY AND AT OUTSET OF DRAFTING HUMAN RIGHTS PRINCIPLE PRIOR TO SUMMER BREAK, SOVIET AMBASSADOR MENDELEVICH APPROACHED AMBASSADOR SHERER ON SUBJECT. HE STATED THAT MOSCOW WAS INSISTING ON INCLUSION OF A REFERENCE TO THE UN COVENANTS ALTHOUGH THE FORM OF THE REFERENCE WAS NEGOTIABLE. HE STATED THAT HE FULLY UNDERSTOOD US POSITION ON COVENANTS BUT ASKED THAT US KEEP SILENT ON THIS MATTER WHEN DRAFTING WORK RESUMED ON SEPT. 20, IN ORDER "TO AVOID A US-SOVIET CONFRONTATION ON THIS SUBJECT."

4. WITH SUPPORT OF THE NINE, UK HAS TABLED FOLLOWING COUNTER-PROPOSAL:

BEGIN TEXT
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IN THE FIELD OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE PARTICIPATING STATES WILL BE GUIDED BY THE RELEVANT PROVISIONS OF THE CHARTER OF THE UNITED NATIONS, BY THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AS WELL AS BY SUCH OTHER INTERNATIONAL AGREEMENTS AND INSTRUMENTS TO WHICH THEY MAY BE PARTY, BY WHICH THEY MAY BE BOUND, OR WHICH THEY MAY HAVE

ACCEPTED AS SETTING A COMMON STANDARD OF ACHIEVEMENT.

END TEXT

NATO CAUCUS AGREED TO SUPPORT BRITISH TEXT. THERE WAS ALSO GENERAL AGREEMENT ON ULTIMATE ACCEPTABILITY OF SOME "DIFFERENTIATED REFERENCE" TO COVENANTS. BRITISH PROPOSE THIS BE DONE BY INCLUDING THE COVENANTS AS EXAMPLES OF THE "OTHER" INTERNATIONAL HUMAN RIGHTS INSTRUMENTS. CAUCUS GENERALLY SUPPORTED THIS TOO, BUT SOME MEMBERS WISHED TO TRY OTHER FALL-BACKS FIRST, INCLUDING REFERENCE AS WELL TO STRASBOURG HUMAN RIGHTS CONVENTION.

5. WHILE SOVIET MOTIVATION IS CLEARLY TO INCLUDE COVENANTS TO ENABLE EASIER REFERENCE TO THE RESTRICTIONS CONTAINED IN THEM, WESTERN GROUP SEEMS PREPARED TO ACCEPT THIS, PROVIDED UNIVERSAL DECLARATION IS GIVEN PREFERENTIAL TREATMENT. THIS OUTCOME PROMISES TO BE ACCEPTABLE TO SOVIETS AND SHOULD BE TO US. THUS WE HAVE TOLD MENDELEVICH THAT WE WILL CONTINUE TO PROVIDE LOW KEY SUPPORT TO NATO POSITION, WHILE AVOIDING "CONFRONTATION" WITH SOVIETS AND WHILE QUICKLY WORKING WITH SOVIETS AND ALLIES TO DEVELOP COMPROMISE ACCEPTABLE TO ALL. WE WILL CONTINUE TO PROCEED IN THIS MANNER UNLESS OTHERWISE INSTRUCTED. DALE

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